

City of New Haven Employee Handbook



Effective January 1st, 2022

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Section 1 Administration and General Information

101 Purpose

- 101.01 The purpose of this Employee Handbook is to provide for the proper administration of the affairs of the City of New Haven (hereinafter referred to as the “City”) and to provide a reference for employees about what is expected of the employee and what the employee can expect from the City as an employer. It is written, adopted, and interpreted exclusively by New Haven’s Elected Officials, and their designees, and is not subject to modification, change, or contrary interpretation by any employee or employee representative except as may otherwise be specifically authorized and recognized by the laws and/or Constitutions of the State of Indiana and United States.
- 101.01.01 Role of City Employees. The purpose of City government is to serve the community. Employees of the City are public employees, subject to public scrutiny, with a responsibility to the people, businesses, and visitors of New Haven. The quality of service provided by the City to the people of New Haven depends upon the quality of the City’s workforce. Thus, the strength and future of the community depends, in large part, upon employee contributions and employee conduct on the job and the way employees perform their duties. The contact City employees may have with the public are often the only basis on which the City government is judged.
- 101.01.02 Applicability. All policies and procedures contained within this handbook will apply to all employees, unless otherwise indicated, restricted by proper authority, or prohibited by state or federal law and regulations governing the operation of a department (e.g., the Police, Fire, and EMS Department and Parks Department). All employees are charged with the responsibility of being thoroughly familiar with all provisions of this handbook.
- 101.01.03 Any statement within a policy or procedure found to be illegal, incorrect, and/or inapplicable will not affect the validity and intent of the remaining content of said policy and procedure. Section titles utilized will not govern, limit, modify or affect the scope of meaning or intent of any provision.
- 101.02 **Responsibilities**
- 101.02.01 Each Elected Official, Department Head, and supervisor is responsible for enforcing the provisions of the Employee Handbook and ensuring the policies and procedures are fairly administered and equitably enforced.

101.02.02 City employees are responsible for complying with and adhering to the Employee Handbook, all rules of their department and to the directions provided by departmental management in the fulfillment of City personnel policies, and all other City rules, policies, ordinances, and the laws of the State of Indiana and the United States.

101.02.03 It is the responsibility of each employee to read, retain, understand, and update his/her Employee Handbook when provided with applicable revisions and additions.

101.03 **Changes to Policies.** The Mayor may change or amend the provisions of the policies within the Employee Handbook as deemed necessary for the proper administration of the affairs of the City. No City of New Haven Department Head or supervisor is authorized to modify this handbook or make exceptions to policies for any employee. Equally, no City Department Head or supervisor may enter into any agreement, whether oral or written, for the purpose of modifying this handbook or providing exceptions thereto.

101.03.01 Any changes in the Employee Handbook will in no way alter the Employment-At-Will policy or create a binding contract between the City and any employee.

101.03.02 Policy changes having financial implications to the City are subject to the approval of the Clerk Treasurer and City Council.

101.04 **Policy Distribution and Availability.** It is the responsibility of the Director of Human Resources to ensure that each employee receives a copy of the Employee Handbook at his/her initial employment orientation.

101.05.01 The Director of Human Resources will ensure the most current version of the Employee Handbook is available to each employee and in the Human Resources office.

101.05 **Approval and Effective Date.** The City of New Haven Employee Handbook was adopted Jan 1, 2022. It supersedes all previous policies and procedures.

102 Organization and responsibilities

102.01 The City of New Haven is governed by the Mayor, City Council, and Clerk Treasurer. (Mayor, City Council, and Clerk Treasurer will be referred to in this handbook as Elected Official.) The Elected Official is responsible for their area of administration according to Indiana Administrative Code (IAC).

- 102.02 The City is organized into various departments, or offices, to ensure adequate expertise, specialization, and efficient functioning. These departments, or offices, function under the administrative guidance and control of the Department Heads, who are responsible for the day-to-day management and operation of the City.
- 102.03 Department Heads are appointed by the Elected Officials, as needed, within each City department, or office, to provide proper control and supervision of certain internal and department functions.
- 102.04 The appointed positions and employees work at the Elected Official's pleasure. These employees can be separated without cause.
- 102.05 Each employee's particular duties, obligations, and areas of responsibility are defined in his/her position description and/or by assignment or directive of any Department Head and/or supervisor. Employees are primarily responsible to their immediate supervisor for completion of specific work assignments and the quality, quantity, and timeliness of the work performed.
- 102.06 The Department Heads maintain the right to manage their employees, consistent with the policies set forth in this handbook and all applicable State and Federal laws. The Department Heads' rights include, but are not limited to, determining method and procedure for completing work, recommending the number of employees, assignment of duties, compensation of personnel, hours of employment, hiring, disciplining, discharging, and promotion and transferring employees.
- 102.07 The City encourages open communication, feedback, and discussion about any matter of importance to an employee. The employee should first communicate with their immediate supervisor. If the immediate supervisor is unable to provide solutions, the employee may communicate with the next level of management and/or Human Resources, usually in conjunction with their immediate supervisor. The employee will be asked what steps they have taken to resolve the problem or concern before they approached the higher level of authority.

103 At Will Employment

- 103.01 The policies and procedures set forth in this Employee Handbook are general guidelines only and none of its provisions are binding or contractual in nature. Employment with the City is "at-will," meaning that employment may be terminated at any time, with or without notice, for any reason or no reason, by either the City or the employee. No verbal statements or promises made by anyone at the time of hire or thereafter contrary to this policy are binding on the City in any manner. The at-will nature of employment for City employees may only be altered by a written agreement signed by the Mayor.

104 Personnel Records

- 104.01 **Retention and Inspection.** Human Resources will maintain the official personnel file for each employee and will retain those records in accordance with the City's records retention schedule. An employee's personnel file is available for inspection by appointment in the Human Resources office by that employee and/or the employee's immediate supervisor and/or Department Head. Personnel files of employees are the property of the City, and access to the information they contain is restricted. However, the information contained in an employee's personnel file may be subject to disclosure in accordance with the Indiana Freedom of Information Act.
- 104.02 **Information Update.** Each employee will report to Human Resources within thirty (30) days any change in name, address, telephone number, and family status (births, deaths, marriage, divorce, legal separation, and change in dependents). This information will be maintained by Human Resources. Changes may affect the employee's benefits.

105 Departmental Policies

- 105.01 **General.** Each Department Head, with the approval of the Mayor, may develop and implement departmental policies, procedures, practices, rules, and regulations which are separate from, or in addition to, the personnel policies contained within the Employee Handbook as long as they are not in conflict with the policies and procedures within this Employee Handbook. All such departmental rules/policies may be more restrictive, but not less restrictive than City personnel policies. In the event of any conflict or incompatibility between departmental policies and the City's personnel policies, the City's personnel policies will control. Department Heads will review departmental policies and correct any inconsistencies, conflicts, or incompatible provisions with the City personnel policies, and future amendments to City personnel policies.
- 105.02 Copies of departmental policies will be on file in Human Resources and distributed to all affected employees. It is the responsibility of the issuing department to distribute the policy to affected employees and enforce the policy.

106 Inclement Weather

- 106.01 **General.** In certain conditions, the Mayor may determine that the City should close due to emergency or severe weather conditions. An emergency closing will be considered when the health, safety, and welfare of the public or City employees may be at risk, or conditions do not allow the conduct of normal City operations. Under some circumstances, the City may remain open but with limited essential personnel only.
- 106.02 **Emergency Support Staff.** Emergency support staff include:
- i. All uniformed Police and Fire personnel.
 - ii. Designated Public Works employees; and

Any other employee notified on an ad hoc basis that due to the nature of the emergency, condition, or circumstances, that they are expected to report to work or remain at work.

106.03 **Payment for Emergency Closings.**

- 106.03.01 Emergency support staff will be paid for actual hours worked.
- 106.03.02 Non-emergency staff will receive paid leave at their regular hourly wage rate for their normally scheduled hours during which the City is closed and they did not work. Any additional hours worked will be compensated in accordance with FLSA.
- 106.03.03 Personnel who are unable to report to work when directed or when normal City operations commence, may use paid leave or unpaid leave for those hours absent.
- 106.03.04 Employees who are out on paid leave will not be compensated for emergency closings.
- 106.03.05 Non-Critical Service Employees are expected to report for their regular shift assignment during a weather/emergency, unless:
 - I. The Mayor or his/her designee issues a media broadcast statement to the contrary requiring that citizens are to remain off City streets.
 - II. The employee's Department Head, Mayor, Clerk Treasurer, or Judge contacts the employee prior to the start of his/her shift with alternate instructions.

106.04 **Failure to comply** with the provisions of this policy may subject the employee to disciplinary action as deemed appropriate by his/her Department Head or Elected Official.

107 Non-Weather State of Emergency

- 107.01 **General.** When the Governor or Mayor declare at State of Emergency in Indiana or the City of New Haven that is not related to a weather emergency, the following policies will go into place. These policies may be modified to comply with any federal or state guidelines.
- 107.02 Essential personnel are expected to report to their shifts unless they are experiencing symptoms or have a known exposure, or are otherwise physically incapable of traveling to work, in which case they should contact their supervisor immediately.
- 107.03 All personnel who are the primary or sole caretaker of a legal dependent whose school or childcare facility has been closed due to the emergency may use their paid time off bank or reserve bank to cover their leave.
- 107.04 The 90-day waiting period for new full-time employees to use their paid time off bank will be temporarily suspended to cover leave for absences related to the emergency.

- 107.05 The mayor may limit access to City facilities. In these situations, employees will be notified via email, and through their supervisors. Signage will also be placed on all public doors.
- 107.06 Employees who knowingly falsify eligibility for a leave of absence under this provision may be subject to disciplinary action up to and including termination. Should operations be disrupted due to rampant abuse of these enhanced policies, the modifications made may be scaled back or altered.

Section 2 Application and Initial Employment

201 Employment Applications

- 201.01 **General.** The City accepts employment applications for vacant positions approved in the budget.
- 201.02 **Record Retention.** Employment applications of job candidates will be maintained on file for the retention period specified by the County/Local Government Retention Schedules.

202 Equal Employment Opportunity

- 202.01 The City will provide equal employment opportunity to all employees and applicants for employment. The City realizes that equal employment opportunity benefits the City and its employees through the full utilization of all human resources. The City has and will continue to provide equal employment opportunity to all qualified persons and reaffirms its commitment that there will be no discrimination against, or harassment of, applicants or employees because of race, color, sex, religion, national origin, age, genetic information, disability, veteran status, sexual orientation, gender identity, or any other protected status. The City will continue to recruit, hire, promote, transfer, take corrective action and make all personnel decisions, including those related to compensation and benefits, non-discriminately and without regard to any protected status in accordance with applicable law. Further, the City will make reasonable accommodations for qualified applicants and employees with known disabilities who can perform the essential job functions with or without such accommodations.

203 Americans with Disabilities Act

- 203.01 Qualified individuals with disabilities are not to be excluded from participation in or benefit from the services, programs, or activities of the City. It is the policy of the City not to discriminate against a qualified individual with a disability in job application procedures; the hiring, advancement, or dismissal of employees; employee compensation, job training; and other terms, conditions, and privileges of employment. It is the intent of the City to comply with all applicable requirements of the Americans with Disabilities Act (ADA).
- 203.02 The City will reasonably accommodate persons with a disability on a case-by-case basis, which may include making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules and/or equipment, or similar accommodations.
- 203.03 Employees who require an accommodation should inform their immediate supervisor or Human Resources. Such employees may be required to provide medical information necessary to determine appropriate accommodations as identified by regulation and subject to HIPAA Medical Privacy Laws and other applicable state and federal regulations.

- 203.04 Accommodations may not create an undue hardship for the City or other employees. An individual who cannot be reasonably accommodated for a job without imposing an undue hardship may not be selected for that position. The City will engage in an interactive process with the individual to determine whether a reasonable accommodation is available.
- 203.05 All employees are required to comply with safety standards. Individuals who pose a direct threat to the health or safety of other individuals in the workplace, and where the threat cannot be eliminated by reasonable accommodation, may not be hired, or retained.
- 203.06 Generally, a "direct threat" means a significant risk to the health or safety of themselves or others that cannot be eliminated by reasonable accommodation. Benefits provided to disabled individuals who are qualified to perform the work must be consistent with the benefits provided to other employees. Any individual who believes he/she has received treatment inconsistent with the policies set forth above or any other requirement of ADA, may file a complaint with the ADA Coordinator, Elected Official(s), or Human Resources.

204 Pre-Employment Screening and Conditional Offers

- 204.01 **Pre-employment Screening.** Applicants selected for hire and provided conditional offers of employment will be required to successfully complete pre-screening requirements that may be deemed appropriate for the position. All pre-employment screening will be conducted in accordance with applicable federal and state employment laws and will be kept confidential to the greatest extent possible.
- 204.01.01 **Confidentiality of Medical Records.** Unless required by law, all medical information obtained in an examination by a physician designated and paid for by the City will be the property of the City. All records are considered confidential and will be maintained separate from all personnel files.

205 Re-Employment

- 205.01 Consideration for re-employment of any former employee may be granted to those applicants who have demonstrated acceptable prior service. Employees who leave the employment of the City and are re-hired will be treated as new hires with respect to their hire date, service, benefits, and longevity.

206 Employment Eligibility Verification

- 206.01 Form I-9, Employment Eligibility Verification, requirements are set forth by the [Immigration Reform and Control Act of 1986](#) (IRCA). IRCA prohibits employers from hiring and employing an individual for employment in the U.S. knowing that the individual is not authorized with respect to such employment. Employers also are prohibited from continuing to employ an individual knowing that he or she is unauthorized for employment. This law also prohibits employers from

hiring any individual, including a U.S. citizen, for employment in the U.S. without verifying his or her identity and employment authorization on Form I-9.

206.02 The City is required to follow Ind. Code 22-5-1.7 and as such, before being considered for hire, the City will use the E-Verify Program to verify the work eligibility status of all applicants considered for Employment after June 30, 2011, so long as the E-Verify Program continues to exist.

Section 3 Conditions of Employment

301 Criminal Background Checks

- 301.01 The City will conduct criminal history background checks to bring a level of protection to the City and to vulnerable program participants who are unable to protect themselves and to ensure employment applicants can successfully perform their job duties.
- 301.01.01 **Contract Instructors.** The City will conduct criminal history checks on all contract instructors who provide recreation, athletic or other similar programming services that involve the care of or access to a minor, an elderly person and/or a person who is mentally or physically impaired.
- 301.01.02 **Employee Applicants.** The City will conduct criminal history checks on all employment applicants who have been provided a conditional offer of employment.
- 301.01.03 **Employees.** The City will conduct annual criminal background checks on employees whose positions require the performance of a service that involves care of or access to a minor, an elderly person and/or a person who is mentally or physically impaired.
- 301.01.04 **Volunteer Applicants.** Prior to beginning service as a volunteer, and annually thereafter, criminal history checks will be conducted for volunteer applicants who will perform volunteer services that involve the care of or access to a minor, an elderly person and/or a person who is mentally or physically impaired.
- 301.02 **Review of Criminal History.** A criminal conviction does not serve as an automatic bar to employment, contract work, or volunteering with the City. Rather, disqualification will only occur after an individualized assessment and will be based on a justified business necessity.

302 Nepotism

- 302.01 Under IC 36-1-20.2, individuals who are relatives may not be employed by the City in a position that results in one relative being in direct line supervision of the other relative. A person is in the “direct line of supervision” of an Elected Officer or employee if the Elected Officer or employee is in the position to affect the terms and conditions of the individual’s employment, including making decisions about work assignment, compensation, grievances, advancements, or performance evaluation.
- 302.02 Relative is defined as spouse, parent or stepparent, child or stepchild, brother, sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law, or son-in-law (including half-brothers and sisters and adopted children).

303 Probation

- 303.01 **Probationary Period.** All employees will serve a probationary period of ninety (90) days. This applies to new hires or employees who are promoted, transferred, or demoted. The probationary period allows time for supervisors to closely observe and evaluate the work of probationary employees and to aid and encourage them in adjusting to the position.
- 303.01.01 **Extension of Probationary Period.** Under certain circumstances a probationary period may be extended at the request of the Department Head. The approval of the Elected Official is required to extend a probationary period. The Director of Human Resources must be notified of the extension.
- 303.01.02 **Promotional or Lateral Probationary Period.** An employee who transferred or was promoted to a new position whose work has not been satisfactory during the probationary period may, with the approval of the Department Head(s), return to the employee's former job position, provided a vacancy exists for the position. The decision to return an employee to a prior position is at the discretion of the Department Head, and the employee does not have a right to continued employment in any position.
- 303.02 **Review of Work.** During the probationary period, the probationary employee's supervisor is responsible for reviewing the quality and efficiency of the employee's work. The supervisor should attempt to meet with the employee prior to the completion of his or her probation period and provide a progress review. The Progress Review Form (404-001) may be used.
- 303.03 **Right of Appeal.** Employees who have been dismissed from the City for failure to successfully complete the probationary period will have the right to appeal pursuant to *Section 8, Policy 802, Employee Grievance and Appeals*.
- 303.04 **Effect of Probationary Period.** The successful completion of the probationary period, and the existence of and access to the appeal procedure will not constitute any limitation on the rights of the City to manage its affairs. All employees are employed at-will and may be terminated with or without cause at any time.

304 Separation of Employment

- 304.01 Whether by resignation or dismissal, the following provisions apply to any separation of employment.
- 304.01.01 **Notice of Resignation or Retirement.** Employees are encouraged to provide a written two week notice of resignation or retirement to facilitate a smooth transition out of the City.

- 304.01.02 **Dismissal.** Dismissal must be made by, or with the approval from, an elected official, governing body or board, and a representative from human resources.
- 304.02 **Pay in Lieu of Notice.** The City reserves the right to provide an employee with two weeks’ pay in lieu of notice in situations where job or business needs warrant. Such a decision should not be perceived as reflecting negatively on the employee, given that it may be due to a variety of reasons. The Clerk Treasurer will be consulted prior to providing pay in lieu of notice.
- 304.03 **Separation Date.** The separation date is the employee’s last day worked.
- 304.04 **Accrued Leave.** The use of accrued paid leave may not be used during the last two weeks of employment. If the employee takes paid time off during the last two weeks of employment, then the last day worked prior to their paid time off will become their separation date.
- 304.05 **City Property.** The Department Head is responsible for the separation process for their employees and is to establish an exit “check-off” list of department specific City property and intellectual property issued. The Employee Exit Checklist Form can be used for non-specific departmental City property and intellectual property issued.
- 304.06 **Exit Interview.** The Human Resources Department will offer an employee voluntarily leaving the City an opportunity for an exit interview. The exit interview will be conducted by the Human Resources Director. The Employee Exit Interview Form will be used to record the interview information.
- 304.07 **Health Coverage Benefits.** Health coverage ends the on the separation date.
- 304.08 **Consolidated Omnibus Budget Reconciliation Act (COBRA).** Separating employees, their spouses, and/or dependents that are enrolled in the City’s group health insurance and/or dental insurance at the time of separation may elect to continue participating in the group health insurance and /or dental insurance plan through COBRA. COBRA offers separated employees and their families a temporary extension of medical benefits coverage (called “continuation coverage”) at group rates in certain instances where coverage under the plan would otherwise end; i.e. employee’s resignation, termination, or reduction in hours of employment; death of spouse, termination of spouse’s employment, or reduction in spouse’s hours of employment; divorce or legal separation; spouse becomes eligible for Medicare; or any other qualifying reason as defined by COBRA. Paperwork will be sent to the separated employee’s home address. Contact Human Resource for additional information regarding health coverage.

305 Reduction in Workforce

305.01 **General.** Should it become necessary to reduce the number of employees because of budget constraints or for any other reason, every effort will be made to determine those positions to be eliminated in the most fair and equitable method possible. A laid off employee will be eligible for recall for a period of one (1) year.

Section 4 Employee Standards of Conduct

401 Conflicts of Interest

- 401.01 **General.** It is the policy of the City to avoid the appearance of conflict of interest in City employee activities and to provide definitive guidelines in avoiding such appearances.
- 401.02 **Conflict of Duties.** No employee will use his/her position with the City for personal gain, nor will he/she engage in any business or transaction, which is in conflict with the proper discharge of his/her duties.
- 401.03 **Acceptance of Any Valuable Gratuity.** No employee will accept any valuable gratuity, whether in the form of a payment, service, loan, item, or promise from any person, firm, or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor will employees accept any valuable gift, favor, or item that may tend to influence an employee in the discharge of his/her duties. No employee will grant any improper favor, service, or item in the discharge of his/her duty. No employee will, without proper and legal authorization, disclose confidential information concerning the property, government, or affairs of the City.
- 401.04 **Improper to Sell or Provide Services.** It is improper for any employee to sell or provide at an additional cost any good or services to any other City or utility department, citizen business or industry except as the result of an open bidding process in which such goods or services are subject to control of another party.
- 401.05 **Financial Interest or Gain.** A City employee may not knowingly have a financial interest in a contract made by another department/area. This prohibition, however, does not apply to an employee of the City who does not participate in or have official responsibility for any of the activities of the contracting agency, provided certain criteria are met. All new or renewed contracts for goods, services or public works must be made in compliance with the contracting agency. Under Indiana Code any Boards, Commissions, purchasing agencies or agents may not enter a contract or renew a contract or renew a contract for public works or procurement of goods and services with a relative or a business entity that is wholly or partially owned by a relative of an employee or executive for the City unless the requirements of the statute are met. These requirements include the employee to complete the Uniform Conflict of Interest Disclosure Statement (Indiana State Form 236). The Clerk Treasurer will file the completed form with the State Board of Accounts within 15 days after final action on the contract or purchase.
- 401.06 It is illegal to accept or benefit in any way by influencing the awarding of a contract or purchase of good or service or to influence performing of City services.

401.07 Corrective action will be taken for any proven violation of this policy and may result in termination.

402 Attendance

402.01 **Policy.** To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Employees are expected to be at their workstations and ready to work at their scheduled start time.

402.02 **Absenteeism and Tardiness.** Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to corrective action, up to and including termination of employment. An employee is considered tardy when they are absent from their workstation after their designated shift start time, unless otherwise excused in accordance with this policy.

402.02.01 **Reporting.** In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee will personally notify the supervisor by phone as soon as possible in advance of the anticipated tardiness or absence in accordance with departmental procedures. The employee will disclose to the supervisor whether the absence or tardiness is approved Family Medical Leave or sick leave and the date and time of anticipated arrival. The employee will personally notify the supervisor on each subsequent day of absence unless the supervisor expressly waives this requirement, except for an approved continuous FMLA leave of absence. An employee who does not personally reach the supervisor by phone will leave a detailed message with the information described above.

402.02.02 **Failure to Report.** An employee who does not come to work and fails to notify the City of the reasons for the absence for three (3) consecutive scheduled working days or more may be presumed to have voluntarily resigned employment.

403.01 **Excessive Tardiness.** Excessive tardiness on a regular basis is considered unacceptable and may result in discipline. Late arrival/tardiness is defined as any situation where an employee reports to work after his/her scheduled starting time. Excessive will mean any of the following:

- i. Two (2) or more incidents in a seven (7) day calendar period.
 - ii. Three (3) or more incidents in a thirty (30) day calendar period.
 - iii. Five (5) or more incidents in a ninety (90) day calendar period.
 - iv. Ten (10) or more incidents in a three hundred and sixty-five (365) day calendar period.
- In addition, if an employee is tardy, that employee may be subject to appropriate disciplinary action, unless he/she offers, to the supervisor a written reason for being late which is deemed acceptable by the supervisor.

405 Outside and Secondary Employment

- 405.01 **Policy.** Employees may engage in an outside employment activity or enterprise provided that it does not constitute a conflict of interest, adversely affect the employee's job performance with the City, or unfavorably reflect upon the City.
- 405.02 **Interests of the City.** With the exception of part-time, temporary or seasonal employees, the City of New Haven is the primary employer.
- 405.03 **Workers' Compensation Insurance.** The employee will not be covered by the City's workers' compensation insurance for work performed for another employer.
- 405.04 **Outside Employment while on Leave.** Approval for outside employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leaves, administrative leave, or an unpaid leave of absence or on modified / light duty to engage in any outside employment.
- 405.05 **Adverse Effect on Job Performance.** Should the Department Head feel an employee's outside employment is adversely affecting the employee's job performance, the Department Head may recommend the employee refrain from such activity. However, any conflict, policy infractions, or other specific offense which is the direct result of an employee's participation in outside employment or enterprise will subject the employee to discipline or dismissal, in a manner that is otherwise consistent with the policies set forth in this handbook.

406 Dress and Grooming Standards

- 406.01 **General.** The City of New Haven desires to project a positive and professional image of employees representing the City. Employees are expected to dress in a professional manner that is appropriate to their position and to observe good habits of grooming and personal hygiene. Presenting a professional image creates a favorable impression for the City, promotes confidence in the services the City provides, promotes respect among co-workers, and encourages higher working standards. Employees must remember that they are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence.
- 406.02 **Grooming.** Each employee will maintain a personal hygiene, grooming and general appearance standard that is neat, clean, professional, reflective of the City's philosophy on pride and professionalism, and is commensurate with accepted general business practices. Examples of unprofessional appearance include, but are not necessarily limited to obscene tattoos, unkempt or unclean hair, a lack of personal hygiene. Facial hair will be kept clean and neatly trimmed. Nothing in this policy will prohibit a supervisor from restricting clothing or other personal grooming attributes that may create a safety hazard based on the employee's job duties.

406.03 **City Logo Wear.** An employee will refrain from wearing attire that displays the City’s logo except when on duty, representing the City, or in route to or from such duty. Further, wearing such attire while engaging in conduct or activity that by virtue of the association discredits the City or places either the employee or the City in disrepute or discredit is prohibited.

407 Tobacco Free Workplace

407.01 **General.** All employees are prohibited from the use of all tobacco products, including smokeless electronic cigarettes, at any time while on City property or in City vehicles.

408 Drug and Alcohol-Free Workplace

408.01 **General.** It is the desire of the City to provide an alcohol and drug-free, healthy, productive, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

408.02 **Prohibition against Alcohol and Illegal and Unauthorized Drugs.** While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

408.02.01 **On-duty and Pre-duty Use.** Reporting for, or remaining on, duty is prohibited under the following conditions:

- i. While having a breath alcohol concentration of greater than 0.00 as indicated via breath test.
- ii. While using alcohol; or within four (4) hours after using alcohol.

408.02.02 **Prohibited Drug Use.** An employee will not report for duty or remain on duty when using or after use of any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee’s ability to safely operate a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment.

408.03 **Prohibition against Illegal and Unauthorized Drug-Related Paraphernalia.** This policy also prohibits the use, possession, distribution, and sale of drug-related paraphernalia while on City

premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

- 408.04 **Permissive Use of Prescribed and Over-The-Counter Drugs.** The legal use of prescribed and over-the-counter drugs are permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.
- 408.05 **Mandatory Disclosure by Employees.** Employees taking prescription medication and/or over-the-counter medication will report such use to either their Department Head or to the Director of Human Resources if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.
- 408.06 **On-Call Employees.** Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and who is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence of drugs in the system, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.
- 408.07 **Mandatory Reporting of Arrests and Convictions.** Employees must notify their immediate supervisor and the Department Head, in writing, of any alcohol or drug-related arrest and/or convictions (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction.

- 408.08 **Off-Duty Conduct.** The City may take corrective action, up to and including termination of employment, if an employee’s off-duty use of or involvement with drugs or alcohol is damaging to the City’s reputation or business, is inconsistent with the employee’s job duties, or when such off-duty use, or involvement adversely affects the employee’s job performance. Any employee reporting to work under the influence of illegal drugs or alcohol may be disciplined, up to and including termination.
- 408.09 **Rehabilitation/Treatment.** Employees may seek assistance through the City’s employee assistance program.
- 408.10 **Policy Violations.** Violations of this policy will generally lead to corrective action, up to and including immediate termination of employment. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Director of Human Resources to receive assistance or referrals to appropriate resources.
- 408.11 **Drug and Alcohol Testing.**
- 408.11.01 **Types of Tests.** Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, blood, or other generally accepted testing procedure.
- 408.11.02 **Testing of Applicants.** Applicants to whom a conditional offer of employment has been extended may be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.
- 408.11.03 **Testing of Employees.**
- i. Employees may be tested for alcohol and/or illegal and unauthorized drugs for the following:
 - i.1. When reasonable suspicion exists; or
 - i.2. In connection with any required treatment or rehabilitation.
 - ii. Police and Fire/EMS Department employees are also subject to any applicable departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
 - iii. City employees who drive a Commercial Motor Vehicle (CMV) requiring a Commercial Driver’s License (CDL) as part of their job duties are subject to alcohol

and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration. Employees are expected to comply with these regulations.

- iv. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to corrective action up to and including termination.
- v. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or near miss accident, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol.
- vi. A positive test result is a violation of this policy and may result in corrective action up to and including termination of employment. Any employee who is terminated for violation of this policy is ineligible for future employment with the City.
- vii. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for CMV Drivers for additional information.

408.11.04 Testing Following an On-the-Job Accident. Employees may be tested following an on-the-job accident if any of the following criteria apply

- i. Evidence of an unsafe practice
- ii. Significant damage to property
- iii. Careless operation of a vehicle
- iv. Significant injuries to persons
- v. A pattern of erratic accidents.

408.11.05 Testing Procedures.

- i. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
- ii. All testing must normally be authorized in advance by both the employee's supervisor and the Director of Human Resources or his or her designee. If the supervisor, or his or her designee, is unavailable within a reasonable period of time, the Director of Human Resources or his or her designee may, with sole discretion, authorize the testing of an employee. If the Director of Human Resources, or his or her designee, is unavailable within a reasonable period of time, the Department Head may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.
- iii. If an employee meets any of the criteria in Section 407.11.03, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave with pay until the test results are received. The City will make arrangements to have the employee transported home after the testing if necessary.
- iv. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by Human Resources; Elected Officials and Department Heads on a need-to-know basis.

409 Phone, Electronic Communication, and Internet Use

- 409.01 **Scope.** The guidelines specified in this policy apply to all regular and part-time, seasonal employees, contract personnel, and volunteers whose access to or use of the technology systems is funded by the City or is available through equipment owned by the City.
- 409.02 **User Responsibilities.** Employees are representatives of the City in all their communications. Responsible use of the City's technology systems requires discretion, professionalism, and awareness of potential liability. Employees should be aware that when they are utilizing certain technology systems, they are creating City documents. Employees must understand at all times

that communication and use of any of the City's technology systems are matters of public record under the Public Information Act and may be subject to discovery requests.

409.03 **Policy Guidelines.** The following guidelines have been established for using the Internet, City-provided cell phones, tablets, laptops, e-mail, and other technology in an appropriate, ethical, and professional manner:

- 409.03.01 Internet, City-provided equipment (e.g., cell phone, laptops, tablets, computers, etc.) and services will not be used for transmitting, retrieving, or storing any communications of a defamatory, discriminatory, harassing, or pornographic nature.
- 409.03.02 Employees will not use technology to play or download any games, communicate disparaging, abusive, profane or offensive language; create, view or display materials that might adversely or negatively reflect upon the City or be contrary to the City's best interests; and engage in any gambling or illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access of any computers and City-provided equipment such as cell phones, tablets and laptops.
- 409.03.03 Employees obtaining information may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.
- 409.03.04 Employees will not use the system in a way that disrupts its use by others such as streaming video, music or other media that is not work related.
- 409.03.05 Employees will not interfere with or disrupt network users, services or equipment including but not limited to: damaging equipment, spreading viruses, impersonating another user, or destroying communications or electronic files.
- 409.03.06 Employees will not use technology systems for personal gain, outside employment, personal business operations, other financial profit or to advertise or solicit funds for political, religious, or other personal causes.
- 409.03.07 Employees should not open suspicious e-mails, pop-ups, or downloads. Contact Information Technology with any questions or concerns to reduce the release of viruses or to contain viruses immediately.

- 409.03.08 Employees will ensure that all technology related purchases are coordinated with Information Technology prior to the actual purchase.
- 409.03.09 Internal and external e-mails are considered business records and are subject to the Public Information Act and may be released upon request.
- 409.03.10 City network user login and password information will not be shared with or used by other individuals or stored in an unsecured / visible location.
- 409.03.11 Employees should refrain from making personal calls, personal instant messaging, and personal text messaging, tweeting, or interacting with all social media during the work hours regardless of whether the equipment used is company provided or not.

Receiving or making personal telephone calls during work hours should be limited. When possible, calls should be made and received during breaks and lunch times.
- 409.03.12 Employees will not make personal, long distance calls using City telephones without prior supervisor authorization and, in all cases, charges for long distance personal calls will be reimbursed by the employee.

409.04 **Right to Monitor.** All City-supplied technology and City-related work records belong to the City and not to the employee. The City reserves the right to monitor the use of City supplied technology. E-mails are retained in accordance with the City’s document retention policy. Inappropriate or illegal use or communications may be subject to corrective action up to and including termination of employment.

409.05 **Violation of Policy Guidelines.** Any violation of this policy and its guidelines may be subject to corrective action, including but not limited to the loss of access and other privileges, and/or termination of employment.

410 Fraudulent Activity

410.01 **Purpose.** The purpose of this policy is to establish a fraud policy that requires all City business to be performed with integrity and subject to the highest ethical standards possible. To accomplish this purpose, this policy establishes rules that define unacceptable behavior and prevent fraud. This policy applies to all City employees.

410.02 **Prohibited Conduct.** Fraudulent conduct is strictly prohibited in the performance of any City business. Fraudulent conduct means the intentional misappropriation of City assets by any act including, but not limited to, theft, embezzlement, and intentional misrepresentation. Acts constituting fraud include but are not limited to:

- 410.02.01 Forgery or alteration of any document or account belonging to the City.

- 410.02.02 Forgery or alteration of a check, bank draft or any other financial document representing funds belonging to the City.
- 410.02.03 Misappropriation of funds, securities, supplies or other assets of the City.
- 410.02.04 Impropriety in the handling or reporting of money or financial transactions involving the City and any other entity.
- 410.02.05 Profiteering as a result of insider knowledge of City activities.
- 410.02.06 Disclosing confidential and proprietary information to outside parties.
- 410.02.07 Accepting or seeking anything of material value from contractors, vendors or persons providing services/materials to the City in return for a referral of business.
- 410.02.08 Unauthorized destruction, removal or personal use of records, furniture, fixtures, and equipment belonging to the City.
- 410.02.09 Embezzlement, larceny, or any other misapplication of City funds.
- 410.02.10 Any official misconduct including the misapplication or misuse of City funds, property, or information.

410.03 Fraudulent activity is prohibited. All allegations of fraudulent activity will be investigated. If it is determined that any employee has engaged in fraudulent activity, the employee will be subject to corrective action, up to and including termination of employment, and referral may be made to an appropriate law enforcement authority. Retaliation against any employee for reporting fraudulent activity or for participating or cooperating in an investigation of an allegation of fraud is prohibited.

411 Cash and Asset Losses, Variants, Shortages, and Thefts

- 411.01 All employees will report any variance, loss, shortage, or theft of which the Employee becomes aware to his or her Department Head or Elected Official. The Clerk Treasurer will be notified immediately of any knowledge of, or reasonable cause of belief of misappropriation of public funds or assets.
- 411.02 All Department Heads and Elected Officials will report all erroneous or irregular material variances, losses, shortages or thefts of cash or assets to the Indiana State Board of Accounts.

For the purposes of this policy, “material” will mean a variance, loss or shortage exceeding Fifty Dollars (\$50.00) in cash or equivalent value.

- 411.03 All Department Heads and Elected Officials of the City who have actual knowledge of, or reasonable cause, to believe that there has been a misappropriation of public funds or assets of any office including (1) information obtained as a result of a police report; (2) an internal audit or finding; or (3) any other source indicating a misappropriation has occurred, will immediately send written notice of the misappropriation to the State Board of Accounts and to the Prosecuting Attorney for Allen County, Indiana.

412 Media Relations

- 412.01 The City seeks to provide consistent, accurate, and timely information to the media while keeping City officials informed of emerging media issues.
- 412.02 **Official Spokesperson.** The Mayor will designate official spokespersons for the City. In accordance with the Emergency Operations Plan, the Mayor is the designated spokesperson for the City during City emergencies.
- 412.03 **General Inquires.** Any media inquiries received by City staff will be referred immediately to the Mayor’s Office or designee.
- 412.04 **Interviews Outside of City Business.** City employees who interact with the media outside their capacity as a City employee should take measures to ensure that he or she is not designated as a City spokesperson, or as offering an “official City point of view.”

413 Social Media

- 413.01 An employee’s use of social media, both on and off duty, will not interfere with or conflict with the employee’s duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees, and citizens through electronic media, including, but not limited to websites and applications that enable users to create and share content such as video, photographs, written content or to participate in social networking. This policy is designed to protect the City’s reputation and ensure that an employee’s communications reflect positively on the City.
- 413.02 **Guidelines for City Sponsored Social Media Sites.** Employees will adhere to the following guidelines:
- 413.02.01 All content posted to the City’s social media sites will be aligned with the City and the department’s strategic priorities.

- 413.02.02 The Elected Officials and the Department Heads will determine who is authorized to post on social media sites on behalf of the City.
- 413.02.03 Employees must obtain authorization from their Department Head to update or post on social media sites on behalf of the City. Employee time spent updating or posting on City social media sites as part of the employee's job duties is considered hours worked and is compensable.
- 413.02.04 Employees will not disclose confidential information on social media. Posting of confidential information may violate state law and subject the user to criminal penalty.

413.03 **Guidelines for Personal Social Media Sites.** The City recognizes that many City employees utilize social media when not at work. The City requires that employees be aware of the following guidelines regarding posting of work-related information on personal social media sites.

- 413.03.01 If the employee's social networking includes any information related to the City, the employee will make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- 413.03.02 Employees are expected to act responsibly on and off duty, and to exercise good judgment when using social media. Employees should be aware that postings on social media sites, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.
- 413.03.03 Employees are expected to refrain from posting anything on a personal social media site that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- 413.03.04 Employees are expected to refrain from posting on personal social media sites information that may constitute a violation of the City's Workplace Conduct Policy. Employees will not post pornographic pictures of any type that could identify them as an employee of the City. Employees should be mindful that the City's Workplace Conduct Policy covers both work and non-work time, including postings on social media sites.
- 413.03.05 Employees will not post information on a personal social media site that could adversely impact the City and/or an employee of the City.

- 413.03.06 Employees are expected to remove postings violating this policy, even when placed by others on a personal social media site.

414 Workplace Conduct

- 414.01 The purpose of this policy is to prohibit discrimination, harassment, and workplace violence; the condoning or perpetuating of such conduct, or retaliation for reporting such conduct or assisting in an investigation; and to provide a process for reporting and resolving complaints of harassment, discrimination, and workplace violence.
- 414.02 All City employees are entitled to a workplace free of workplace violence and unlawful discrimination and harassment by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful of others and act professionally. City employees are also prohibited from engaging in workplace violence and unlawful discrimination and harassment of other employees, citizens, vendors, and all other third parties.
- 414.03 All City employees, elected officials and volunteers are governed by the provisions of this policy.
- 414.04 **Sexual Harassment.** All types of sexual harassment are prohibited. Sexual harassment is behavior of a sexual nature that is not welcome, is personally offensive, undermines morale, interferes with the work performance and effectiveness of another person in the work environment, or creates an intimidating, hostile or offensive work environment.

Sexual harassment is defined as unwanted or unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, 2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Sexual harassment does not require sexual attraction or interest. Sexual harassment prohibited under this policy includes, but is not limited to:

- i. Unwanted or unwelcome sexual advances and requests for sexual favors or propositions,

- ii. Sexual jokes and innuendo; Comments about bodies, sexual prowess, sexual preferences, sexual experiences, or sexual deficiencies
- iii. Leering, whistling, or physical contact such as touching or blocking movements
- iv. Verbal abuse of a sexual nature, including insulting or obscene comments or gestures
- v. Display in the workplace of sexually suggestive objects or pictures, including nudity and pornography
- vi. Continuing to express sexual or social interest after being informed directly that the interest is unwelcome
- vii. All inappropriate conduct of a sexual nature, whether it be physical, verbal, or visual conduct

414.05 **Unlawful Harassment and Discrimination.** Harassment or discrimination on the basis of any legally protected characteristic is strictly prohibited. Demeaning, hostile, or offensive conduct based on membership in a group defined by characteristics such as race, religion, color, national origin, gender, age, disability, genetics, veteran status, citizenship, sexual orientation, gender identity, or any other characteristic protected by law, and has the purpose or effect of unreasonably interfering with an individual's work performance, creating an intimidating, hostile or offensive work environment, or otherwise adversely affecting an employee's employment opportunities is prohibited.

414.05.01 Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are inappropriate and are strictly prohibited.

414.05.02 This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube, Twitter, and Facebook. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship, sexual orientation, gender identity, or any other characteristic protected by law is prohibited and will not be tolerated.

414.06 **Workplace Violence.** Workplace violence is prohibited. Workplace violence is physically aggressive, violent, or threatening behavior intended to instill fear in another person or persons through intimidation, including verbal or physical threats of any kind; or any other conduct that suggests a tendency toward violent behavior. Examples include:

- i. Excessive arguing, belligerent speech, profanity, sabotage, or threats of sabotage to any City employees, City property or other employees' property.
- ii. Causing physical damage to any City property; and
- iii. Carrying firearms or weapons of any kind on City property unless specifically allowed by law enforcement officers.

414.07 **Reporting Procedure.** It is the responsibility of any employee who believes he or she has been subjected to behavior in violation of this policy, regardless of the offender's identity or position, to promptly report such incident.

414.07.01 A person who experiences harassment or discrimination may seek to resolve the problem by advising the offending individual that the behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. However, persons are not required to deal directly with an offending individual in seeking resolution of a complaint of harassment or discrimination and may proceed as outlined below.

414.07.02 A complaint may be filed verbally, or in writing to the employee's Supervisor or Department Head or to the Director of Human Resources.

- i. If the employee does not feel comfortable reporting the incident to the employee's Supervisor, Department Head or to the Director of Human Resources, the employee may report the incident to an Elected Official.
- ii. Verbal reports must be reduced to writing by either the employee or the person who receives the complaint and must be signed.
- iii. The person's complaint should be as detailed as possible, including the names of individuals involved, the names of any witnesses, the date and time of the incident, direct quotations when language is relevant, and any documentary evidence (notes, pictures, cartoons, et cetera).
- iv. A person wishing to file a complaint should do so promptly. Early reporting and intervention have proven to be the most effective method of resolving the offending behavior.

- 414.08 **Retaliation.** Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.
- 414.09 **Responsive Action.** Violations of this policy may lead to corrective action, up to and including termination of employment.
- 414.10 **Counseling Resources.** The Director of Human Resources is available to provide counseling, referrals, and assistance to employees and supervisors regarding complaints of discrimination, harassment, workplace violence and retaliation.

415 Political Activity

- 415.01 Employees may not participate in any partisan or non-partisan political activity while on-duty or off-duty in a uniform required by, used by, or identified with any department of City government.
- 415.02 Employees may not use municipal vehicles for any partisan or non-partisan political activities.
- 415.03 Any municipal employee found violating any provisions of this policy is subject to reprimand, suspension, or dismissal from City employment.

416 Citizen Interaction

- 416.01 All citizens should be treated with respect and courtesy. Employees should not engage in arguments, debates, or lengthy discussions with private citizens regarding the City's policies, procedures, or services. Employees are expected to review and understand the above Social Media Policy included in this Handbook and follow the standards set forth therein when engaging and interacting with others on Social Media.
- 416.02 Any employee who receives a complaint from a private citizen should refer that individual to the Department Head.

417 Solicitation and Distribution

- 417.01 Solicitation in the interior premises of the City's facilities for non-employees is not permitted unless approved by an Elected Official.
- 417.02 Employees of the City are permitted to conduct solicitation and distribution activity in non-work areas but only if both employees are on non-work time and is non-coercive and consented to by the employee being solicited.

417.03 The Elected Official or Department Heads may regulate any solicitation and distribution activity by any employee or non-employee, which disrupts or interferes with the normal work of the City on its premises or in areas under the operational control of the City.

Section 5 Business Travel

501 General

- 501.01 Vacations or personal trips in conjunction with travel require prior authorization, and the expenses incurred in connection with such, which are not related to City Business, are not reimbursable.
- 501.02 Failure to meet the requirements of this policy may be considered unsatisfactory work performance and is subject to disciplinary action as outline in the City of New Haven Employee Handbook. Other applicable administrative practices and policies, including the reporting of injuries, accidents, or illness, are in force during business travel. While on business travel, if clarification of, and/or assistance with, existing policies and procedures is needed, the traveler should contact their Department Head.

502 Transportation

- 502.01 The mode of transportation authorized should provide the most practical, cost-effective, and economical use of time, based upon the requirements of business travel. Itemized Receipts for related transportation expenses are required.
- 502.02 **City Vehicle.** The City provides vehicles that are available for City-related business travel. The use of a City vehicle is encouraged, if available.
 - 502.02.01 Gasoline, parking, tolls, and emergency repairs to City vehicles are allowable expenses by the City. When possible, gasoline and service should be obtained from City facilities.
- 502.03 **Privately-Owned Vehicle (POV).** If a traveler elects to travel by POV rather than other means, the total transportation expenses reimbursed, including meals and lodging, may not exceed the cost of the most economical travel mode available.
 - 502.03.01 Reimbursement of POV expenses are at the standard mileage rate, as set forth by the Internal Revenue Service, for miles traveled on official City Business, plus parking and toll fees when documented, in accordance with this policy.
 - 502.03.02 Travelers will not be reimbursed for automotive repair or breakdowns when using a POV.
 - 502.03.03 If a POV is used, only one (1) authorized traveler, per POV, may claim reimbursement for mileage.
 - 502.03.04 When City-related travel is from home directly to the destination without going to the workplace, the traveler will be reimbursed for the miles which exceed the miles traveling from home to work.
 - 502.03.05 Driving directions using the most direct route that shows the distance in miles to and from home to work and to and from then destination are required to be submitted.

502.03.06 The City's Travel Policy does not allow for reimbursement of expenses incurred for an employee's normal commute.

502.04 **Rental Vehicles.** The use of a rental vehicle is generally not permitted unless it is approved in advance and justified as a reasonable need. The rental vehicle chosen must be the most reasonable available, given the purpose for which the vehicle will be used. While on travel together, travelers should share vehicle to minimize costs.

502.04.01 The City will not provide additional pay for the use of a rental car to accommodate family members or non-business associates while on travel with the authorized traveler.

502.04.02 The acceptance of optional insurance for collision and comprehensive coverage by a traveler is not an allowable expense. The insurance provided by the City includes rental cars; Certificates of Coverage can be obtained from Finance prior to travel.

502.05 **Public Transportation.** The use of taxicabs, shuttle services, buses and public conveyance are encouraged. Tips are reimbursable and the traveler should get a receipt when available.

502.05.01 Other allowable transportation expenses include ferry, road, tunnel and bridge tolls and parking charges. Receipts are required for reimbursement.

502.05.02 Reasonable effort must be made to obtain the most economical transportation to and from the airport.

502.06 **Air Travel.** Airfares purchased online or otherwise should show (0) balance before being submitted for reimbursement.

502.06.01 If the traveler misses their flight due to unrelated City Business, any expense incurred will be at the traveler's expense.

502.06.02 The City will allow for the cost of one (1) piece of luggage, with a receipt, if the airline charges to check luggage.

502.06.03 The traveler is responsible for any additional fees charged by the airline if the bag exceeds weight or size limits.

502.06.04 The most economical available seat at the time of purchase must be chosen. Personal comfort, preference or convenience will be at the traveler's expense.

502.06.05 Travelers may not pay for another traveler's expenses during travel, including baggage fees and the like.

503 Lodging

503.01 Lodging expenses are allowed when travel exceeds one (1) day, and the destination is more than 75 miles (one-way) from the City. Itemized Receipts are required.

503.01.01 Lodging expenses include the cost of lodging and any applicable taxes and fees. As a governmental entity, the City of New Haven is sales tax exempt.

503.01.02 All hotel bills should show a (0) balance before being submitted for reimbursement.

- 503.01.03 Additional lodging expenses for spouses, dependents or others are the responsibility of the authorized traveler and are not reimbursable.
- 503.01.04 Separate rooms are permitted for each authorized traveler.
- 503.01.05 If reserved accommodations are no longer needed, it is the responsibility of the traveler to ensure the room is canceled in accordance with the cancellation policy of the lodging entity.

504 Meals

504.01 General. The City will reimburse meals for trips 75 miles or more from City Hall.

- 504.01.01 The daily maximum allowable per traveler for meals and incidentals is \$35.00 per day.
- 504.01.02 Alcoholic beverages (including tax and tip) are not allowable expenses and should not be included on the meal receipt.
- 504.01.03 A registration fee that includes a meal(s) is not subject to the meal allowance.
- 504.01.04 Unless the conference agenda includes an entertainment event, meals purchased at entertainment venues are not reimbursable.
- 505.01.05 While on travel, a traveler may not pay for another traveler's meal – including authorized travelers or spouses. When possible, only meal expenses for the traveler should be included on the itemized receipt.
- 504.01.06 A maximum of 20% gratuities and tips is reimbursable

505 Non-Allowable Travel Expenses

505.01 Expenses including, but not limited to the following, will not be allowed:

- i. Alcoholic beverages
- ii. Personal toiletry articles, medicines, or other personal convenience items (hotel minibar or other)
- iii. Non-commercial lodging facilities, such as a relative or friend.
- iv. Airline or trip insurance, passports, or money orders
- v. Loss of funds or loss/damage to personal belongings
- vi. Childcare, eldercare, babysitting or pet care costs
- vii. Barber or salon services
- viii. Gum, candy, cigarettes, or other tobacco products
- ix. Penalties (airline or other)
- x. Personal entertainment not related to the conference such as movies, cable fees, health clubs or golfing
- xi. Parking or moving violation fines, bail, or legal fees
- xii. Donations
- xiii. Medical expenses (Human Resources will need to be contacted if a work-related injury occurs while on Travel)
- xiv. ATM or banking service fees

Section 6 Wage and Salary Administration

601 Fair Labor Standards Act (FLSA)

- 601.01 The City complies with the Fair Labor Standards Act (FLSA). The FLSA established minimum wage, overtime, record keeping and child labor standards and applies to all full-time and part-time employees.

602 Employee Classification and Pay

- 602.01 City Council will establish the compensation by ordinance.
- 602.02 **Salary Reduction.** The City may reduce the salary of any employee at any time when necessary for the proper administration of the affairs of the City.
- 602.03 **Definitions.**
- 602.03.01 **Full-Time Employee.** An employee whose position is budgeted to work a normal work week of forty (40) hours or more (2,912 for Fire shift personnel) and is provided City benefits.
- 602.03.02 **Part-Time Employee.** An employee in a budgeted position who works less than 30 hours in a normal work week.
- 602.03.03 **Non-Exempt Employee.** An employee occupying a non-exempt position is eligible for overtime pay under the provisions of the Fair Labor Standards Act.
- 602.03.04 **Exempt Employee.** An employee occupying a position that is exempt from overtime pay requirements under the specific provisions of the Fair Labor Standards Act.
- 602.03.05 **Temporary and Seasonal Employee.** A temporary or seasonal employee is considered a budgeted position, on a temporary basis, for a specified period of time or until completion of a specific assignment or project, generally lasting no more than six months. Employment beyond any initially stated period does not in any way imply a change in the employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing.

603 Workweeks and Pay Periods

- 603.01 **Civilian Employees.** The standard work week for all full-time civilian and non-sworn public safety employees will be a 40-hour work week commencing at 2400 hours (12:00 a.m.) Sunday and ending at 2359 hours (11:59 p.m.) Saturday. All full-time exempt and non-exempt employees are expected to work a minimum of a forty (40) hour work week. Salaries will be

paid bi-weekly. Auto deposits will be released to employees on a bi-weekly basis. If a scheduled pay day falls on a holiday, paychecks will be issued on the day preceding the holiday.

- 603.02 **Sworn Police and Fire/EMS Shift Personnel.** Should refer to departmental policies and procedures.
- 603.03 The hours of work, including the workday, workweek, and work shift, for all employees will be as established by the Elected Official.
- 603.04 Records will be maintained showing hours worked each day by Department Heads or supervisors. Time records will be approved by the Department Heads or the Elected Official.
- 603.05 Subject to the discretion of the City, employees may be authorized to take break periods each full working day. Such breaks will not interfere with the proper performance of the employee's work responsibilities, will be set by the Elected Official/Department Head, and are subject to change.
- 603.06 Operational needs and/or emergencies, however, may necessitate the establishment of other work hours, days, or weeks on a temporary or permanent basis.
- 603.07 No full or partial advance payment of salary will be made to any employee outside of the bi-weekly pay schedule.

604 Timekeeping

- 604.01 **General.** This policy outlines information pertaining to recording and tracking hours of work, accruals, and making manual edits.
 - 604.01.01 Every City employee is assigned an employee number upon hire. The employee number is unique to each employee and is used for identification purposes. Employee numbers are also used as identification for the timeclock and NOVAtime web application.
 - 604.01.02 Employees are required to clock in before performing any work and are not permitted to clock out until all work has stopped. Employees who under report or fail to report hours worked are subject to corrective action up to and including termination.
 - 604.01.03 The approved timesheets are due in payroll by 10 am the Monday following the close of a pay period.
- 604.02 **Timekeeping Procedures**
 - 604.02.01 Exempt and Non-Exempt employees must record time and attendance via the NOVAtime system. The time must be approved by the designated employee each pay period.

- 604.02.02 The NOVAtime system tracks exception time (PTO, Holidays, Etc.) for both Exempt and Non- Exempt employees.
- 604.02.03 Full-time civilian employees must maintain a schedule of forty (40) hours worked weekly, between including a combination of hours worked and PTO/Holiday hours taken.

604.03 Official Time Of Record

- 604.03.01 The NOVAtime electronic time keeping system and associated work records are the official basis for recording hours worked for all employees of the City.
- 604.03.02 To ensure consistency of treatment for all employees, the data recorded in the NOVAtime system will be considered as the “official” record of the workday.
- 604.03.03 Employees can view their timesheets from any clock location. Additionally, employees have access to the NOVAtime web application.
- 604.03.04 Any disputes over actual hours worked or attendance will be resolved by referring to the NOVAtime records. Any dispute that cannot be resolved should immediately be reported to the Human Resources Department.

604.04 Daily Clock In/Out Requirements

- 604.04.01 It is a job requirement that all must “clock in” at the start of their shift and “clock out” at the end of their shift.
- 604.04.02 To avoid unauthorized overtime, employees should clock in no sooner than seven (7) minutes before the scheduled shift start time and clock out no later than 7 minutes after the scheduled shift end time.
- 604.04.03 Under certain conditions (such as trainings at an off-site location, extracurricular events, etc.) when an employee cannot “clock in” at their worksite, the employee should report time worked to their supervisor, so their time worked can be manually entered before the end of the pay period.
- 604.04.04 If an employee is unable to punch in or out because of a time clock malfunction or network difficulties, it is the employee’s responsibility to immediately inform their supervisor.
- 604.04.05 Employees who have excessive failures to clock in or out violate the Employee Time Clock Policy and will be subject to disciplinary actions.

604.05 Multiple Job Classes/Transfer Buttons

- 604.05.01 Departments with multiple job classes have transfer buttons on their time clock. It is the responsibility of the employee to ensure they are always clocking for the correct job.
- 604.05.02 If you are unsure which job class you should be using, please contact your supervisor or the Payroll Office. Employees who have punched in using the

wrong job class will need to contact their supervisor immediately before time is imported to payroll.

604.06 Falsification, Tampering, And Unauthorized Viewing

The following infractions are prohibited and will be considered severe. Due to the severity of these infractions, employees may be subject to immediate corrective action, up to and including termination.

1. Any attempt to tamper with timekeeping hardware or software.
2. Interference with another employee's use of the NOVAtime system.
3. Unauthorized viewing of another employee's time in the NOVAtime system.
4. Falsifying time by not clocking in and out at required times.

605 Overtime

605.01 **Policy.** Overtime compensation will be paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees will not be paid overtime compensation.

605.02 **Eligibility.** All non-exempt employees are eligible for overtime compensation.

605.03 **General.** When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be required to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Refusal or other failure to work mandatory overtime may result in corrective action, up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

605.04 **Work Assignments.** Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work.

605.05 **Rate of Pay.** Overtime will be paid to non-exempt employees at one and one-half (1½) times the regular rate of pay in accordance with FLSA for hours worked in excess of forty (40) hours in a workweek.

605.06 **Unauthorized Overtime.** All non-exempt employees will receive their supervisor's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. In addition, employees may not conduct work via electronic devices when not on duty, such as checking their work email without prior approval. Non-exempt

employees who work overtime without receiving proper authorization will receive compensation for all hours worked, but may be subject to corrective action, up to and including termination of employment.

606 Flexible Scheduling

- 606.01 This policy is set to establish the use of a flexible schedule to accommodate evening meetings and other departmental needs outside of the published City Hall Hours. Due to the nature of City business, City employees are sometimes called upon to participate in meetings and other events outside of normal business hours. When this happens, the City desires to accommodate its non-exempt employees by providing the option of flexible scheduling, or “flextime.”
- 606.02 In the event a non-exempt City employee is expected to perform work outside of normal business hours (i.e. 8:00 a.m. to 5:00 p.m. Monday to Friday), the City will endeavor to provide flextime to ensure the employee works his or her normal weekly hours. The City may provide flextime equal to the amount of time spent working outside normal business hours. Flextime is approved time off from work (i.e. unpaid time).
- Example: A City employee normally ends the workday at 5:00 p.m. but continues working beyond 5:00 p.m. in order to staff a public meeting from 6:00 to 7:00 p.m. The employee worked two extra hours in the workday from 5:00 p.m. to 7:00 p.m. The employee may request approval to use up to two hours of unpaid flextime to be relieved from other regularly scheduled work during that same workweek.
- 606.03 Flextime may only be used for departmental needs; it is not intended to accommodate personal requests for time off.
- 606.04 Flextime is unpaid, and the employee is completely relieved of work during this time.
- 606.05 Flextime is only available to be used in the same workweek when the employee performs work outside normal business hours. In the event the employee is unable to use approved flextime during that workweek, there is no allotment or ‘balance’ of time, and no flextime will be given in that circumstance.
- 606.06 The supervisor will approve or deny the flextime request based on staffing and business needs. Approval to use flextime is discretionary and determined on a case-by-case basis. A flextime arrangement may be suspended or cancelled at any time.
- 606.07 Non-exempt employees may be asked to work overtime regardless of a flextime schedule.

607 Standby/ On-Call Pay

- 607.01 **Policy.** The City provides for after-hour service needs by allowing some departmental operations to designate certain non-exempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their department.
- 607.02 **General.** After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back within designated guidelines set by their department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the department.
- 607.03 **Department Procedures.** On-call and call-back procedures will be established for each department by the Department Head, subject to approval by the Elected Official. Established procedures will be provided to Human Resources and remain on file with Human Resources.

608 Garnishments

- 608.01 A court ordered legal claim against the wages of an employee by a creditor for nonpayment of a debt by legal authority is a garnishment and will be recognized and executed by the City. When a garnishment is received for an employee, the Clerk Treasurer's office will notify the employee.

Section 7 Employee Benefits

701 General

- 701.01 **General.** All employee benefits are provided at the discretion of the Mayor and City Council and in accordance with the approved annual budget. Benefits are not a right, but a privilege and may be changed or suspended at any time.

702 Holidays

- 702.01 **Eligibility.** Paid holidays are extended to all regular, full-time employees. Every other employee is extended the official holiday, without pay. There is no waiting period for employees to receive holiday pay. Part-time, temporary, or seasonal employees are not eligible for paid holiday leave. All holidays are approved by the Mayor. The Mayor has the authority to add or extend holiday time.

New full-time employees who do not work a standard (40-hour/5-day week) work schedule and have completed the (90) ninety-day probationary period will receive the holidays which fall on or after the date of employment into their PTO bank.

- 702.02 **Official City Holidays.** The City Holiday Schedule is updated annually by the Mayor's Office. Please contact your supervisor for an up to date list.

- 702.03 **Holidays on Weekends.** When an official holiday falls on a weekend, the following alternative schedule applies:

702.03.01 A holiday which falls on a Saturday will be taken on the Friday before the holiday.

702.03.02 A holiday which falls on a Sunday will be taken on the Monday after the holiday.

- 702.04 **Holiday Pay.**

702.04.01 To be eligible to receive holiday pay, employees both exempt and non-exempt must work their full work schedule prior to and following the holiday. If an employee has approved paid time off to equal a full work schedule prior to or following the holiday the employee will receive full holiday pay.

702.04.02 Regular full-time employees will receive holiday pay equivalent to a standard eight (8) hour workday.

702.04.03 Any hourly full-time employee who is called in to work on a holiday, will be compensated at one and one-half (1 ½) times their regular rate of pay for all hours worked, in addition to their normal holiday pay.

- 702.04.04 An official holiday occurring while PTO is being taken will be reflected as a holiday on the payroll and no deduction from the leave balance will be made for the holiday.
- 702.04.05 In the event an official City holiday conflicts with a City sponsored event, the Mayor may designate an alternate holiday for employees designated as essential personnel on the normally scheduled holiday.
- 702.04.06 No holiday will be paid for a holiday after an employee's separation date.
- 702.04.07 Time worked on any of the above listed holidays will be included in time calculations.

703 Birthday Holiday and Floating Holidays

- 703.01 **Eligibility.** All regular full-time employees are eligible for one (1) paid birthday holiday and two (2) paid floating holidays they can take on any day within the calendar year. New Employees hired before May 31st, will receive two (2) Floating Holidays. New employees hired on June 1st or later will receive one (1) Floating Holiday for the year of hire.
- 703.02 New full-time employees will be eligible for the birthday holiday pay after the (90) ninety-day probationary period and when the birthday falls on or after the date of employment.
- 703.03 Unused birthday and floating holidays will not carry forward from one (1) calendar year to the next and are not paid out at separation of employment.
- 703.04 If the employee chooses to take their one (1) paid birthday holiday prior to their birth date and leaves employment for any reason the employee will be required to pay back the one (1) paid birthday holiday which will be deducted from their last paycheck.
- 703.05 Birthday and floating holidays must be used in whole day increments.
- 703.06 Birthday and floating holidays are paid at straight time.

704 Paid Time Off Policy

- 704.01 **PTO Eligibility:** Regular full-time, civilian employees are eligible for paid time off ("PTO") in accordance with this PTO Policy. (Police PTO: Police PTO time, eligibility and usage are governed by the separate Police Personnel Policies.)

704.02 **PTO Accrual:** Eligible employees start accruing PTO time at the beginning of employment. The PTO accrual amount is based on years of service. Following the first calendar year of employment, PTO time is allotted on January 1st of each year.

704.03 **PTO Based on Years of Service:**

Length of Service	Accrued PTO Amounts
Hire Date: January 1-June 30 (1 st year)	20 days / 160 hours
Hire Date: July 1-Dec 31 (1 st year)	10 Days / 80 hours
January 1 – (2 nd year)	25 Days / 200 hours
January 1 – (3 rd year – 6 th year)	25.5 days / 204 hours
January 1 – (7 th year)	26 days / 208 hours
January 1 – (8 th year)	27 days / 216 hours
January 1 – (9 th year)	28 days / 224 hours
January 1 – (10 th year)	29 days / 232 hours
January 1 – (11 th year)	30 days / 240 hours
January 1 – (12 th year)	31 days / 248 hours
January 1 – (13 th year)	32 days / 256 hours
January 1 – (14 th year)	33 days / 264 hours
January 1 – (15 th year)	34 days / 272 hours
January 1 – (16 th year)	35 days / 280 hours
January 1 – (17 th year)	36 days / 288 hours
January 1 – (18 th year)	37 days / 296 hours
January 1 – (19 th year)	38 days / 304 hours
January 1 – (20 th year)	39 days / 312 hours
January 1 – (21 st year and above)	40 days / 320 hours

704.04 **PTO Usage:** PTO is available to be used after 90 days of employment. Employees may not use PTO time until after completion of their initial 90 days of employment. PTO time may be used for a variety of reasons, including personal days, vacation, and personal illness. PTO time will be paid at the employee's regular rate of pay earned at the time the PTO is used, excluding any amounts earned for overtime, bonuses, incentives, etc. Employees must schedule PTO in advance with their supervisor or Department Head, unless using PTO for unexpected illness. In general, employees should seek approval for planned absences at least thirty (30) days in advance. Employees may not use more than ten (10) PTO days at one time without approval from an elected official. PTO requests will be granted to the extent feasible, depending on staffing and business needs.

704.05 **Reserve Banks:** Beginning January 1, 2022, employees will be provided a Reserve Bank for certain unused PTO time to be used only in accordance with this PTO Policy. Reserve Bank time may be used only during approved FMLA leave or during an approved leave of absence. Usage of Reserve Bank time for a non-FMLA reason must be approved by a department head and Human Resources.

At the end of each calendar year beginning in 2021, up to 120 hours of unused PTO time may be converted into the Reserve Bank. The Reserve Bank has a maximum balance of 480 hours. At no time may the Reserve Bank contain more than 480 hours.

704.06 **No Rollover:** To the extent the employee has unused PTO time that cannot be converted to the Reserve Bank, any remaining, unused PTO time will be forfeited. Moreover, once the Reserve Bank reaches 480 hours, any unused PTO time not converted will be forfeited. Unused PTO time does not carryover from year to year, and any PTO time not used during the calendar year or converted to the Reserve Bank will be forfeited. No payouts will be provided for unused PTO time at the end of the year without written approval from the Mayor and Board of Works.

704.07 **No Borrowing.** PTO time may not be taken if an employee does not have sufficient accrued PTO time at the time of usage. PTO time may not be borrowed in advance from subsequent years. Additionally, employees may not share PTO.

705 Separation of Employment:

705.01 **Involuntary Termination.** Employees who are involuntarily terminated from employment for any reason are not eligible for and will not receive a payout for any unused PTO time or Reserve Bank time. Any unused PTO time or Reserve Bank time existing at the time of termination will be forfeited.

705.02 **Voluntary Resignation.** Employees who voluntarily resign or are voluntarily terminated from employment in good standing will receive a pay out of PTO time in accordance with the schedule below. Any unused PTO time in excess of the below percentages will not be paid out and will be forfeited. Employees with ten (10) years or more of service at the time of their

voluntary termination are also eligible to receive 10% of their unused Reserve Bank time in existence as of the date of separation. Employees with less than ten (10) years of service at the time of separation are not eligible for a payout of Reserve Bank time, and any Reserve Bank time remaining at separation will be forfeited.

Quarter	Date of last day worked	Percent of accrued, unused PTO paid out
Quarter 1	January 1st- March 31st	25%
Quarter 2	April 1st- June 30th	50%
Quarter 3	July 1st- September 30th	75%
Quarter 4	October 1st- December 31st	100%

706 Certification from Medical Provider

706.01 An employee may be required to furnish his or her supervisor or Department Head with a statement (original) from a licensed medical provider when:

- i. There is question as to the merits of an employee’s claim that his or her absence was due to illness or injury of the employee or of a family member residing in the employee’s household;
- ii. The employee’s safety or ability to work is in question;
- iii. There is a question of sick leave abuse;
- iv. The safety or efficiency of the work is in question

706.02 When the employee has been absent from work for three (3) consecutive workdays or longer they are required to furnish his or her supervisor or Department Head with a statement (original) from an attending licensed physician stating the first day of absence and when the employee can return to work.

706.03 **Fit for duty examination.** An employee who has been absent because of illness or injury may be required to submit to a physical examination by a licensed medical provider selected by the City prior to returning to work. In such cases the employee may return to work upon certification by the examining provider that the employee is physically or mentally fit to return to work, or if the employee is certified fit for limited or light duty, but not his or her regular duty, the employee may, at the discretion of the City, be required to report for light or limited duty.

706.04 **Return to Work.** An employee who is released by an examining medical provider to return to regular or light duty and refuses to report for work or perform his or her assigned duties may be subject to corrective action, up to and including termination.

707 Family Medical Leave Act (FMLA)

707.01 **General.** The City will provide authorized leave for family and medical reasons to eligible employees in accordance with the provisions of the Family Medical Leave Act of 1993. The purpose of this policy is to enable eligible employees to take unpaid absences from work for up to twelve (12) weeks during a 12-month period for new child leave; for medically-related reasons due to a serious health condition regarding self, spouse, child or parent; or for a qualifying exigency arising from a call to active duty. This policy will also enable eligible employees to take absences from work for up to twenty-six (26) weeks during a single 12-month period to care for an injured or ill service member.

707.02 **Eligibility Requirements and Leave Entitlement.**

707.02.01 An employee is eligible for FMLA Leave if the employee has at least 12 months of service and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 12 months of service need not be consecutive months. However, prior service which occurred more than seven years prior to the request for leave will not be considered in determining whether an employee worked for the City for at least 12-months.

707.02.02 FMLA entitles eligible employees to as much as 12 weeks of unpaid leave of absence for the following five reasons:

- i. The birth of a child, to care for that child.
- ii. The placement of a child for adoption or foster care.
- iii. The serious health condition of the employee's spouse, child, or parent.
- iv. The employee's own serious health condition.
- v. The employee's spouse, son, daughter, or parent is a member of any branch of the Armed Services and is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.

707.02.03 Leave for an injured or ill service member. An eligible employee is entitled to take 26 work weeks of leave during a single 12-month period for the employee to care for a spouse, child, parent or next of kin who is a service member undergoing medical treatment, recuperation, or therapy, is on out-patient status or is on the temporary disabled retired list for injury or illness. Any leave taken pursuant to Section 708.02.02 above will reduce the amount of leave available to an employee by this Section 708.02.03.

- 707.02.04 An employee who takes FMLA leave must substitute and exhaust all accrued leave before beginning leave without pay status.
- 707.02.05 FMLA leave will run at the same time as leave taken by an employee as workers' compensation leave if the injury meets the criteria for a serious health condition.
- 707.02.06 If both spouses are employed by the City, the combined total leave is limited to 12 work weeks during any 12-month period, if the leave is taken for:
 - i. The birth of a child, to care for that child.
 - ii. The placement of a child for adoption or foster care.
 - iii. The care of a seriously ill parent.
- 707.02.07 If both spouses are employed by the City, the combined total leave is limited to 26 work weeks during a single 12-month period, if the leave is taken to care for an injured or ill service member.

707.03 **Leave Calculations.** The 12-month period during which an employee is eligible for FMLA leave is rolling 12- month period measured backward from the date an employee uses any FMLA leave.

Entitlement to FMLA leave for the birth of a child or the adoption of a child expires at the end of the 12-month period beginning on the date of the birth or placement of the child.

707.04 **Intermittent Leave.**

707.04.01 FMLA leave may also be taken on an intermittent or reduced leave schedule.

707.04.02 If an employee requests intermittent leave or reduced schedule leave that is foreseeable based on planned medical treatment, the City may require the employee transfer temporarily to an available alternative position for which the employee is qualified and that better accommodates recurring periods of leave than the regular employment position of the employee.

707.05 **Responsibilities of Employee for FMLA leave.**

707.05.01 When the necessity for FMLA leave for the birth or placement of a child is foreseeable because of an expected birth or placement, the employee will provide his/her Department Head and Human Resources with notice of the employee's intention to take FMLA leave not less than thirty (30) days before the

date leave is to begin. If the date of the birth or placement requires leave to begin in less than thirty (30) days, the employee will provide notice as soon as practical.

- 707.05.02 When the necessity for FMLA leave for the serious health condition of the employee's family member, the employee's own serious health condition, a qualifying exigency related to a call to active duty, or to care for an injured or ill service member is foreseeable because of planned medical treatment or qualifying exigency, the employee:
- i. Will make a reasonable effort to schedule the treatment so as to not disrupt unduly the operations of the City, subject to the approval of the health care provider; and
 - ii. Will provide Human Resources with not less than thirty (30) days' notice before the date the leave is to begin; except, that if the date of the treatment or qualifying exigency requires the leave to begin in less than thirty (30) days, the employee will provide the notice as soon as practical.
- 707.05.03 When an employee takes paid or unpaid leave for a reason that qualifies for FMLA leave, the employee will include in the notice or request given to the Department Head or Human Resources, a description of the reason for the leave.
- 707.05.04 Requirement to Notify of Absence – in the absence of unusual circumstances, nothing herein excuses an employee from complying with the requirement to timely notify his or her supervisor of an absence.
- 707.06 **Responsibilities of Employer for FMLA leave.**
- 707.06.01 **Eligibility Notification to Employee.** Within five (5) business days of receipt of notice from an employee requesting leave, the employee will be notified of their eligibility to take FMLA leave and the employee's rights and responsibilities for taking FMLA leave.
- 707.06.02 Employees who are absent for four (4) or more days due to qualifying medical event will be placed on FMLA retroactively to the first day of absence.

707.07

Medical Certification and Documentation

707.07.01 **Documentation for Leave Due to Medical Condition.** The City may require medical certification from a health care provider to support a claim for leave for the following:

- i. For the employee’s own serious health condition
- ii. To care for a seriously ill child, spouse, or parent
- iii. To care for a service member
- iv. For leave for a qualified exigency

Medical certifications must be returned to Human Resources within fifteen (15) working days. For the employee’s own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position, and expected duration. For leave to care for a seriously ill child, spouse, or parent, qualified service member or qualified exigency the certification must include an estimate of the amount of time the employee is needed to provide care.

707.07.02 **Incomplete or Insufficient Certifications.** If the City determines that a medical certification provided for leave is incomplete or insufficient, the City may require the employee to cure deficiency and if the deficiency is not cured, the City may deny FMLA leave.

707.07.03 **Second Opinion.** If the City has reason to doubt the validity of the certification provided, the City may require, at the expense of the City, the employee obtain the opinion of a second health care provider designated or approved by the City. A health care provider designated or approved under this paragraph may not be employed on a regular basis by the City.

707.07.04 **Third Opinion.** If the second opinion described differs from the opinion in the original certification, the City may require, at the expense of the City, the employee obtain the opinion of a third health care provider designated or approved jointly by the City and the employee. The opinion of the third health care provider concerning this information is final and binding on the City and the employee.

707.07.05 If an employee submits a complete and sufficient certification in support of his or her leave because of a qualifying exigency, and the qualifying exigency involves meeting with a third party, the City may contact the individual or entity with whom the employee is meeting for purposes of verifying the

meeting or appointment schedule and the nature of the meeting. The City may also contact an appropriate unit of the Department of Defense to request verification that a covered military member is on active duty status.

707.08 **Health Benefits.**

707.08.01 **Continuation of Benefits.** The City will provide health benefits to an employee while on FMLA leave at the level and under the conditions that would have been provided if the employee had continued in employment for the duration of the leave. After the FMLA is exhausted, this will constitute a “qualifying event” for purposes of COBRA. For the first ninety (90) days of COBRA coverage, the employee will pay the same rate of contribution the employee makes to its regular health insurance and the City will pay the balance. After the first ninety (90) days of COBRA, the employee will be responsible for one hundred percent (100%) of the COBRA premiums.

Failure to pay the employee portion of the premiums may result in loss of coverage.

707.09 **Return to Work.** Before reporting back to work following an FMLA absence due to the serious health condition of the employee, the employee must provide a written release from the physician to Human Resources. Human Resources will contact the supervisor to release the employee to return to work.

707.09.01 **Full Duty Release.** An employee may return to work unrestricted and resume normal job duties as set forth in the employee’s job description upon receipt of a release completed and signed by the health care provider indicating full release and the final date of release from medical care.

707.09.02 **Light Duty or Modified Duty Release.** An employee who receives a release from his/ her health care provider that contains any restrictions must follow Section 7, Policy 715 - Modified Duty to determine if modified duty is available.

707.10 **Separation of Employment.** If the employment relationship terminates, an employee’s right to continued maintenance of health benefits and restoration to their position cease under FMLA, except for the employee’s right to continuation of health benefits under COBRA.

707.11 **Coordination with Workers’ Compensation.** Leave for a Workers’ Compensation injury may be designated as FMLA Leave and run concurrently with Workers’ Compensation Leave.

708 Bereavement Leave

- 708.01 **Policy.** The City provides regular full-time employees paid time off in the event of a death(s) of an immediate family member, for the purpose of attending the funeral. The employee must notify their supervisor as soon possible and provide the length of time needed for the bereavement leave. Upon return the employee must provide the name, date of death and relationship to the deceased along with a copy of the obituary, funeral program, or prayer card.
- 708.02 **Immediate Family.** For the purpose of authorizing paid bereavement leave “family” is defined as current spouse, domestic partner, child, parent, grandparent, brother, sister, grandchild, stepchild, stepfather, stepmother, step-grandchild, half sibling, step-siblings, step-grandparents, all corresponding in-laws and other residents of the household of an employee.
- 708.03 **Bereavement Leave Pay.** Three (3) consecutive working days are provided in the event of the death of an immediate family member. One (1) working day is provided in the event of the death of an aunt, uncle, niece, or nephew on either the employee’s or spouse’s side of the family. Employees will notate the familial relationship on their timesheet.
- 708.04 **Pregnancy Loss Pay.** Employees who have experienced the loss of a pregnancy or their spouse’s pregnancy or the loss of an adoption will be provided three (3) consecutive working days. Upon returning to work employees must provide certification to human resources. Pregnancy loss also may be covered under FMLA with proper certification. Employees should contact human resources for more information and eligibility determination.
- 708.05 **Additional Leave.** If an employee requests more than the allowed days of bereavement leave or pregnancy loss leave, it must be approved by a Department Supervisor, and the Director of Human Resources. If the leave is for a longer period than allowed, any additional approved time off will be deducted from the employee’s PTO Bank. If PTO is not available, the additional time may be approved without pay.

709 Military Leave

- 709.01 **General.** The City complies with all federal and state laws relating to employees in reserve or active military status and does not discriminate against employees who serve in the military. The City supports its employees and their service in federal and state military units and provides them with a number of military leave benefits.
- 709.02 **Eligibility.** Employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

709.03 Military Training Leave.

- 709.03.01 **Eligibility.** A full-time employee, who is a member of the Indiana or National Guard or Reserves of the United States Armed Forces will, upon notification to the department head and submission of appropriate documentation, be granted leave for a period required to perform active duty for training. Part-time employees will be given authorized leave without pay for this purpose.

- 709.03.02 **Definition.** Active duty for training is defined as engaging in short periods of authorized military training such as cruises, training schools, weekly or weekend drills, and other similar activities.

- 709.03.03 **Length of Leave.** In accordance with Indiana Code Section, a employee engaged in authorized military training or duties will receive pay and accrue benefits as if the employee were on the job, for up to fifteen (15) working days leave with pay per calendar year for training purposes.

- 709.03.04 **Leave in Excess of 15 days.** An employee eligible for military leave who is ordered or authorized to participate in training or other duty for more than 15 work days in one calendar year will be placed on leave without pay for any time in excess of 15 work days. The employee may choose to use accrued PTO time in lieu of leave without pay.

- 709.03.05 **Notice to Department Head.** An employee will give notice to his or her supervisor within 72 hours of receiving written or verbal military orders regarding dates for military training leave. Annual or quarterly training schedules should be given to the department head as the schedules become available to the employee. Employees are required to submit the published order authorizing the military duty or a written statement from the appropriate military commander authorizing such duty.

- 709.03.06 **Rescheduled Work Days.** An employee who participates in weekend military training that occurs on a scheduled workday may reschedule a workday rather than have the absence charged to military leave if the employee reschedules the workday within the same work period.

709.04 Active-Duty Military Leave.

- 709.04.01 **Eligibility.** A full-time employee, who leaves a position with the City for the purpose of entering any branch of the United States Armed Forces for extended active duty, will be placed in military active duty status and granted a leave of

absence. The employee should give the department head advance notice of the employee's intent and, for reemployment purposes, submit a copy of the orders for inclusion in the employee's personnel record.

709.04.02 **Length of Active Duty.** In accordance with § 4312, Title 38, United States Code, and employee may serve a total of five (5) years on active duty in the armed forces, (six (6) years for Navy Nuclear Program) and still be eligible for reemployment. An employee's right to re-employment is not protected for periods of military active duty longer than five (5) years (six (6) years for Navy Nuclear Program) whose initial enlistment period is six years.

709.04.03 Employee's current medical insurance benefits only, will continue while employee is on active duty.

709.04.04 **Re-employment.** An employee who returns from active duty in the armed forces of the United States is entitled to reemployment in the same position held upon entrance to active duty or in a position of comparable status and pay, if the employee:

- i. Is physically and mentally qualified to perform the duties of the position;
- ii. Was discharged, separated, or released from military active duty under honorable or general conditions;
- iii. Has not been on military active duty leave for more than five (5) years (six (6) years for Navy Nuclear Program); and

Makes a written application for reappointment after discharge, separation, or release from military active duty and presents evidence of the discharge, separation, or release from military active duty:

- a. Less than 31 days Active Duty: The employee must report to work at the next regular scheduled work period after a reasonable time to return home safely and an 8-hour rest period.
- b. Between 30 to 181 days Active Duty: The employee must submit a written application within 14 days of release of service.
- c. More than 181 days Active Duty: The employee must submit a written application within 90 days of release of service.

- 709.04.05 **Credit for Military Service.** An employee with the City upon reemployment from military active duty will be allowed full credit for time spent in the military service for the purpose of computing seniority, PTO leave, and service longevity.
- 709.04.06 **Military Pay and Benefits.** A full-time employee called to active duty in a reserve component of the armed forces will be granted leave and employee benefits in the following manner:
- i. **Use of Paid Leave.** The employee may request in writing to use any leave balances. If the employee elects to use these leave balances, the leave must be taken in amounts consistent with the employee's regular work schedule with the City. For example, if the employee was regularly scheduled to work forty (40) hours per week for the City, the leave must be used at a rate of forty (40) hours per week.
 - ii. **Insurance Benefits.** The City will continue to pay its portion of the employee's insurance benefits paid prior to the employee beginning active military duty, with the employee continuing to be financially responsible for the employee's portion of the premium for the selected coverage. Payment of insurance benefits will continue in this manner for ninety (90) days from the day the leave begins. Upon exhaustion of the ninety (90) days, the employee may then elect to continue health insurance coverage through COBRA coverage in compliance with the law.

710 Personal (Non-Medical) Leave of Absence without Pay

- 710.01 **General.** Leave without pay is granted as a matter of administrative discretion. No employee may demand leave without pay as a matter of right.
- 710.02 **Use of Accrued Paid Leave.** Employees must exhaust all paid leave prior to requesting leave without pay.
- 710.03 **Leave Without Pay Requests.** Employees who wish to request leave without pay must do so in writing.
- 710.04 **Approval.** An unpaid Leave of absence must be requested in writing and may be granted to employees with the written approval of the Elected Official. Leave of absence may be granted for a period of up to thirty (30) days and will be unpaid.

710.05 **Benefit Coverage.** During an approved unpaid leave of absence, the employee’s health insurance benefits will continue for thirty (30) days at the employee rate. The employee will be responsible for paying for their portion of the insurance premiums.

710.06 **Return to Work following Extended Leave.** The employee on the approved leave must notify his/her Elected Official of his/her intent to return to work at least two (2) weeks in advance. An employee who requests and is granted an extended leave without pay will have no guarantee of any job upon return to work but will be subject to the availability of that particular job. Failure to report for a work assignment at the designated return date specified will result in termination unless an extension is requested and approved.

710.07 Leave is not available for time away from work due to a conviction or jail sentence.

711 Worker’s Compensation

711.01 **General.** All regular, temporary, seasonal, or part-time City employees who are injured in the course and scope of their employment with the City of New Haven are afforded the protections guaranteed by the Workers’ Compensation laws of the State of Indiana. If an employee is injured on the job, he or she may be eligible for benefits under Workers’ Compensation. Human Resources is responsible for administering the City’s Worker’s Compensation program, and questions regarding potential Workers’ Compensation benefits should be directed to the Director of Human Resources.

711.02 **Reporting an Injury.** Any employee who sustains an on-the-job injury is required to immediately notify a supervisor and complete the First Report of Injury form. The form must be submitted to Human Resources as soon as possible and no later than three (3) calendar days from the date of injury.

711.03 **Benefits Waiting Period.** Compensation benefits are subject to qualifications and a seven (7) calendar day waiting period. State law currently provides that compensation is to be paid for the first seven (7) calendar days of disability only if the employee’s disability continues for longer than twenty-one (21) days. The first weekly installment of compensation for temporary disability benefits is due fourteen (14) days after the disability begins.

712 Breastfeeding Support

712.01 **Purpose.** As part of our family-friendly policies and benefits, the City of New Haven supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child.

712.02 **Accommodation for Lactating Mothers.** Indiana Code provides that state and political subdivisions will provide for any employee who is breastfeeding her child, reasonable break times to express breast milk for her baby up to one year after the child’s birth. Employees will

be provided with a private place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, to express breast milk. The room can be a designated space for lactation. If this is not practical or possible, a vacant office, conference room, or other small area can be used so long as it is not accessible or visible to the public or other employees while the nursing employee is using the room to express milk. The City will make reasonable efforts to provide a refrigerator or other cold storage space for keeping milk that has been expressed.

All women who breast feed their child and need to express milk during the working day will work with their supervisor and Human Resources to determine how best to accommodate the employee.

The City will provide reasonable break times which will be paid.

- 712.03 **Discrimination and Retaliation.** The City will not suspend or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted her right to express breast milk in the workplace. Discrimination and retaliation are strictly prohibited.

713 Additional Employee Benefits

- 713.01 **Employee Assistance Program (EAP).** The City New Haven provides Employee Assistance Program (EAP) services to the employees and their household members. The EAP is to provide aid to employees in resolving problems that may affect job performance, attendance, and employee morale. Some of the broad categories that may be covered by this program are related to personal, family, marriage, legal, financial, and drug and alcoholism problems. Contact Human Resources for more information regarding this program.
- 713.02 **INPRS (Indiana Public Retirement System).** All full-time employees are covered by the Indiana Public Retirement System (INPRS). Membership will become automatic upon employment. Employees are required by state law to contribute 3% of their gross wages (regular and overtime pay) to their annuity saving account. Indiana law permits local unit of government to pay their employees 3% as a part of a wage adjustment. The City will pay this 3% for all full-time employees. (See departmental policy for police and fire retirement plans.)
- 713.03 **Group Health Insurance Plan(s).** Employee group health insurance plans are reviewed and determined by the Elected Officials. The Elected Officials will decide on which group health insurance plan(s) will be offered based on the City's budget for the plan year.
- 713.03.03 **Eligibility.** All full-time employees and their dependents are eligible for coverage under the current employee group health and/or dental insurance plan beginning the first day of employment. A surcharge is applied if spouse has coverage available through their employer.

- 713.03.04 **Retiree Health Insurance Benefits.** The City of New Haven provides the opportunity for full-time employees who retire from the City to purchase health insurance coverage for the retiree unless the retiree is eligible for group health insurance benefits through another employer or once the employee becomes eligible for Medicare.
- 713.03.05 Retirees will be responsible for paying for the health insurance coverage at the same rates as the City of New Haven. Payments are to be coordinated with the Clerk Treasurer.

713.04 **Life Insurance.** All full-time employees will be enrolled in the City's life insurance plan beginning the first day of employment.

713.05 **Long Term Disability and Short-Term Disability.** All full-time employees will be enrolled in the City's LTD and STD policies beginning their first day of employment.

714 Employee Training Opportunities

714.01 **General.** It is the policy of the City to help employees develop or enhance job related knowledge and skill through workshops, seminars, etc.

714.02 **Responsibility.** Supervisors and employees bear primary joint responsibility for maintaining individual knowledge, skills, and abilities necessary to perform the job, and for upgrading skills necessary to meet technological change, seek promotion, etc. The City will facilitate those efforts and provide training from time to time.

714.03 **Procedure to Request Training.** In certain circumstances, employees may be eligible to attend workshops and seminars.

Employees wishing to attend a workshop or seminar must follow the following procedure:

- i. The employee should seek approval in advance by the Department Head or Elected Official for attending the workshop and seminar for determination of eligibility for reimbursement of expenses of attendance.
- ii. An employee seeking reimbursement must complete a formal request in writing and providing any necessary documentation to verify the program. To be eligible for reimbursement, the course work must be approved in advance by the Elected Official or Department Head. Approval will be determined based upon job relevance and departmental budget. Approvals must be in writing to be valid. Approvals must be obtained before enrollment to be valid.

- iii. Upon completion of the workshop or seminar, the Employee must provide a certificate of completion and/or proof of attendance to be eligible for reimbursement.
- iv. This policy is not intended to serve as educational or tuition assistance for employees seeking to obtain an advanced degree.
- v. In appropriate cases, the Elected Official or the Department Head may approve fees paid in advance of the workshop or seminar.

715 Modified Duty Policy

- 715.01 **General.** It is the policy of the City, subject to the limitations set forth below, to allow and encourage modified job duties to employees who are temporarily disabled due to injury or illness, incurred while either off-duty or on-duty, in order to benefit both the employee and the City. Decisions regarding modified duty accommodations will be made on an individual basis and in light of the specific circumstances. The City cannot guarantee the availability of modified duty accommodations but will engage with employees in the interactive process to determine if modified duty is appropriate.
- 715.02 **Eligibility.** This policy applies to all regular and part-time City employees except temporary employees.
- 715.03 **Modified Duty Assignment.** A modified duty assignment is a temporary reassignment of an employee with an illness, injury, or medical condition that prevents the employee from performing the full duties of their job classification. The modified duty assignment is one that can be performed within the limitations of the employee’s medical condition.
- 715.03.01 Modified duty assignments are not guaranteed but will be granted by the Department Head when there is a modified duty assignment available and the employee is qualified to perform the available modified duty assignment.
 - 715.03.02 A modified duty assignment shall not be made to accommodate an ill or injured employee on a permanent basis.
 - 715.03.03 An employee, who is released by the employee’s physician to return to work in less than full duty capacity, may be required to work in a position or department other than the department in which the employee regularly works. Assignments shall be made in accordance with the employee’s limitations and the needs of City services.
- 715.04 **Procedures for Requesting Modified Duty.**
- 715.04.01 **Non-Workers’ Compensation.** An employee who experiences injury and/or illness that prevents the performance of his or her essential job functions may make a written request for a “Modified Duty” assignment. An employee who desires to return to work

in a modified duty assignment must provide Human Resources with a written release from the attending physician. The release must include the following:

- i. The date the employee may return to work in a modified duty assignment;
- ii. The type of restrictions imposed on the modified duty;
- iii. The period of time the restrictions apply;
- iv. The date of the employee's next physician's appointment; and
- vi. The anticipated date of return to full duty.

715.05 Modified Duty Offer.

715.05.01 Upon receipt of an employee request for Modified Duty, Human Resources shall review the capabilities and restrictions of the employee. A review of potential work assignments will be conducted with the employee's supervisor to determine if an assignment is available which matches the employee's training, skills and/or physical limitations as determined by the employee's physician.

715.05.02 If available, a modified duty work assignment will be offered in writing by Human Resources to an employee for a temporary period.

715.06 Responsibilities of Department Heads. Department Heads shall work with supervisors to identify possible modified duty assignments when requested by Human Resources. Attempts will be made first to make modified duty assignments in the division and department in which the ill or injured employee currently works. If placement in the department is not possible, Human Resources will work with other City departments to determine if a modified duty assignment can be found based on the employee's physical abilities and skills.

715.07 Termination of Modified Duty. The City may terminate or amend an employee's modified duty work assignment at its discretion. Termination or amendments may be necessary in the following circumstances, depending on the individual circumstances:

- i. The employee's physician modifies the work release;
- ii. The employee is found to be capable of performing beyond the modified duty restrictions;
- iii. The temporary work assignment is completed, and no work assignment exists within the City which suits the employee's abilities and meets the limitations documented by the treating physician;
- iv. The employee performs unsatisfactorily in the modified position;
- v. The employee's physician fails to release the employee as capable of performing the modified assignment upon examination; or
- vi. Budgetary constraints do not allow continuation of modified duty.

Section 8 Corrective Action and Employee Discipline

801 Corrective Action Policy

- 801.01 **General.** An employee who violates established City or departmental values, rules, policies, procedures, or a code of conduct will be subject to corrective action. The City reserves the right to dismiss an employee at any time the City determines that continued employment of an employee is not in the City's best interest.
- 801.02 **Documentation.** Every corrective action taken will be in written format and forwarded to Human Resources for inclusion in the employee's personnel file.

802 Discipline Policy

- 802.01 **Types of Corrective Action.** When corrective action is deemed necessary, a supervisor generally will consider such factors as the type and severity of the offense(s), the employee's work performance record and any mitigating circumstances when deciding the appropriate action to take. Depending on the circumstances of each individual case, corrective action may consist of one or more of the following actions. Examples of offending conduct provided below are not exclusive but are meant to demonstrate examples of behavior where correction action may be warranted. The City reserves the right to issue the level of discipline deemed appropriate in any given situation.
- i. **Verbal Reprimand.** A verbal reprimand is generally suited for a minor rule infraction or incident of substandard performance. Documentation of the verbal reprimand will be submitted for inclusion in the employee's personnel file.
 - ii. **Written Reprimand.** The written reprimand is used as a formal warning that future corrective action may occur if the behavior is not corrected.
 - iii. **Performance Improvement Plan.** In the case of unsatisfactory performance, written reprimands may include a performance improvement plan. A performance improvement plan will outline the concerns of the supervisor, as well as provide measures of performance and goals for the employee to reach to prevent further disciplinary action.
 - iv. **Disciplinary Probation.** The purpose of this step is to allow the employee a stated period of time to demonstrate improvement on a specific problem(s) specified at the time the employee is placed on disciplinary probation.
 - v. **Suspension without pay.** An employee may be suspended without pay, including instances involving serious or repeated offenses or for failure to meet performance expectations. Employees will not be permitted to use any accrued paid leave during a disciplinary suspension.
 - vi. **Demotion.** In some cases, an employee may be demoted from one position to another, including instances involving disregard or violation of a personnel rule or policy or for repeated refusal or inability to improve performance.

- vii. **Involuntary Termination of Employment.** An employee may be involuntarily terminated from employment, including for a serious disregard or violation of a personnel rule or policy or for continued inability to improve performance.

802.02 **Group I Rules.** The following behaviors are examples of prohibited employee conduct and are generally viewed as Group I Rules. Depending on the circumstances, a violation of a Group I rule typically will result in the employee being relieved from duty without pay for three (3) to five (5) days and may be subject to discharge pending review. These acts include, but are not limited to the following:

- i. Intoxication or drug abuse while on duty or while in City uniform or on City property
- ii. The illegal use or possession of any controlled substance, narcotic, or drug
- iii. Unauthorized use of public funds or property
- iv. Falsification of documents or records, including fraudulent timekeeping.
- v. Unauthorized use of official information or unauthorized disclosure of confidential information.
- vi. Theft or Destruction of City or Personal property
- vii. Conviction of official misconduct.
- viii. Unauthorized or abusive use of official authority.
- ix. Gross insubordination, or refusal to perform work assigned.
- x. Accepting gratuities or bribes
- xi. Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others.
- xii. Fighting, horseplay, provoking or instigating a fight, or threatening violence.
- xiii. Carrying firearms or weapons of any kind onto City property and into the workplace unless specifically allowed by law enforcement officers.

802.03 **Group II Rules.** The following behaviors are examples of prohibited employee conduct and are generally viewed as Group II Rules. Depending on the circumstances, a violation of a Group II rule will result in employee discipline up to and including termination in the case of continual violation. This list is representational and is not intended to outline every example of behavior that will result in employee discipline.

- i. Excessive unscheduled absenteeism
- ii. Repeated tardiness or early departure
- iii. Repeated tardiness to meetings or other required work events
- iv. Repeated abuse of sick leave
- v. Endangering the safety of other persons through negligent or willful acts
- vi. Discourteous treatment of the public
- vii. Violation of dress and grooming standards

- viii. Refusal or failure to perform assigned work after being directed to do so, by an immediate supervisor or higher authority
- ix. Inefficiency, incompetence or neglect of duty
- x. Violation of Phone, Electronic Communication and Internet Use Policy
- xi. Unauthorized use of telephones, technology, or other City-owned equipment
- xii. Violation of departmental policy or procedure
- xiii. Smoking or use of nicotine or e-cigarettes in prohibited areas
- xiv. Engaging in outside employment that interferes with the duties for the City
- xv. Unsatisfactory performance or conduct
- xvi. Sharing of username and password for any City account without prior approval from an Elected Official or Department Head.

803 Investigations

- 803.01 **Pending Investigations.** When an employee is suspected of a violation of a city, state or federal law, rule, regulation, or policy which, if proven, would justify disciplinary action but an investigation is in progress, the employee may be administratively placed on leave with or without pay pending the outcome of the investigation and or the imposition of corrective action.
- 803.02 **Human Resources Review.** Any corrective action involving time off, reduction in pay, or termination will be discussed with Human Resources prior to acting.
- 803.03 **Right to Appeal.** Full-Time employees dissatisfied with any corrective action that results in a written reprimand, suspension, demotion, or termination of employment may file an appeal with Human Resources. All appeals must be filed within five (5) business days of the corrective action, or the corrective action will be deemed final.

Section 9 Performance Reviews

901 Performance Reviews

901.01 **General.** Performance reviews permit the supervisor and the employee to discuss the job responsibilities, standards, performance requirements, goals, and objectives, and any existing or anticipated problems.

901.01.01 Regular performance appraisals:

- i. Help employees clearly define and understand their responsibilities.
- ii. Provide criteria by which employees' performance will be evaluated.
- iii. Identify specific achievements.
- iv. Suggest ways in which employees can improve performance.
- v. Help supervisors plan, distribute, and achieve departmental goals

901.02 **Probationary Employees.** New employees will be evaluated on a cycle of approximately three (3) months and six (6) months following the beginning of employment.

901.03 **Regular Employees.** All regular employees may be evaluated annually. However, supervisors may elect to prepare a written performance evaluation at any time. All employees should be evaluated not less than once a year and completed performance appraisals with all signatures obtained, should be given to Human Resources to be placed in the employee's personnel file.

Section 10 Safety Responsibilities

1001 and Safety Responsibilities

- 1001.01 **General.** The City works to ensure all employees' safety and well-being in the workplace. Accordingly, the City has developed safety rules and regulations follows all applicable safety rules in accordance with the federal Occupation Safety and Health Act (OSHA) and state safety regulations. Each and every employee is required to comply with all safety rules and to exercise caution in all work activities. From time to time employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by following the safety rules of your job, by remaining alert, and by thinking safety at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee should immediately report it to a supervisor or a Department Head at once.
- 1001.02 **Safety Training.** Safety training includes formal training, if applicable, for City employees and on-the-job safety training for all employees. Additionally, the City will periodically make available special training programs to address specialized areas. Department Heads and supervisors are responsible for orienting all employees under their control on City safety procedures.
- 1001.03 **Employee Responsibility.** All employees are required as a condition of employment to exercise due care in the course of their work. To prevent or minimize injuries to themselves and their co-workers, and to protect and conserve City equipment, each employee will:
- i. Obey all safety rules and follow published work instructions
 - ii. Report to immediate supervisor all unsafe conditions
 - iii. Keep work areas clean and orderly at all times
 - iv. Report all accidents immediately to the immediate supervisor; and
 - v. Operate only machines or equipment that he/she has been authorized to operate.
- 1001.04 **Accident and Injury Reporting.** All accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor or the Director of Human Resources.
- 1001.04.01 **Employee Responsibilities.** Employees are required to immediately report to their immediate supervisor all accidents resulting in personal injury and/or damage to the City equipment, City vehicles, or any other property. Failure to report any accident or injury within 24 hours of its occurrence may lead to corrective action, up to and including termination of employment.

1001.04.02 **Supervisor Responsibilities.** Supervisors must report all accidents resulting in personal injury and/or damage to the City equipment, City vehicles, or any other property to their respective Department Heads and to Human Resources.

1001.05 **Corrective Action.** Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will likely be subject to immediate corrective action, up to and including termination of employment.